



Mindy Roberts, Katelyn Kinn, Bill Sherman and Leonard Forsman announce the outcome of a lawsuit filed against the Navy for scraping ship hulls in Sinclair Inlet. Ken Park /Kitsap News Group

## Suquamish Tribe announces outcome of lawsuit against Navy

By Ken Park

Thursday, January 30, 2020 11:55am | [NEWS](#) [LAWSUIT](#) [SUQUAMISH TRIBE](#) [U.S. NAVY](#)

The Suquamish Tribe announced during a press conference Wednesday, Jan. 29, that the U.S. Navy has agreed to a 10-year moratorium on scrapping ship hulls in Puget Sound, among other things as a result of a lawsuit filed jointly by the Tribe, the State of Washington, Washington Environmental Council and Puget Soundkeeper Alliance.

At the conference was Suquamish Tribal Chairman Leonard Forsman; Katelyn Kinn, attorney for Puget Soundkeepers Alliance; Mindy Roberts, Puget Sound director for the Washington Environmental Council and standing in for Attorney General Bob Ferguson — who was reportedly out with the flu — was chief counsel for the state Environmental Protection Unit, Bill Sherman.

The suit was filed against the Navy in June 2017 over the hull scraping of the USS Independence, an inactive Navy aircraft carrier mothballed and berthed for nearly 20 years at the Puget Sound Naval Shipyard. The lawsuit alleges that the Navy violated the Clean Water Act by scraping the hull's antifouling paint which contains toxic chemicals, copper and zinc into Sinclair Inlet.

The lawsuit also alleges that the Navy did this without a Clean Water Act permit and that the Navy had plans to continue to scrape additional

inactive ship hulls in the same manner, despite traditionally having hulls scraped in a dry dock.

In March 2019, Washington State Attorney General Bob Ferguson joined the lawsuit, bringing additional claims that the Navy violated the state Water Pollution Control Act, which sets forth claims only the state of Washington can bring.

“That law bars any entity, including the federal government and including the Navy from polluting state waters. This extra responsibility and informed enforcement ability gives our office an additional tool to bring to the courtroom and to the negotiation table ... Under today’s resolution, the Navy is required to rehabilitate habitat harmed by the scraping of the ex-Independence,” Bill Sherman said.

The total cost of those claims will be negotiated with the Navy, if the parties cannot settle out of court, they will in court.

The Suquamish Tribe was first informed of the Navy’s plans during an Oct. 2016 meeting between the two parties. The Navy informed the Tribe of its intent to scrape the hull of the former USS Independence to eliminate the transfer of invasive species to other waters during its transit to Brownsville, Texas, for dismantling.

During this meeting, and in a letter to the Navy dated Jan. 5, 2017, the Tribe objected to the Navy’s proposed action to scrape the hull without proper waste containment, citing the potential for the release of toxic chemicals, into the waters and sediment of Sinclair Inlet.

The copper and zinc contained in the antifouling paint are toxic to marine life, particularly salmon as the paint on the hulls are designed to prevent the build-up of barnacles and other organisms on the hulls.

“Salmon that are exposed to very low concentrations of copper, it affects their sense of smell and they lose their ability to navigate which is clearly a problem,” Mindy Roberts of the Washington Environmental Council said.

The Navy responded the following day informing the Tribe that underwater divers had already begun scraping the over 1,000-foot-long vessel, with the operation ultimately completed on Jan. 27, 2017.

As the Suquamish Tribe predicted, it resulted in the discharge of an estimated 760 cubic yards, or 73 dump truck loads of contaminated hull debris into the Sinclair Inlet.

According to the Suquamish Tribe, significant public and Tribal funds have been spent to clean up contamination at this site over many decades. The continued monitoring indicates that sediment in Sinclair Inlet is not yet within healthy ranges for copper, and more actions are needed to clean up existing contamination to protect water quality and marine organisms.

At the conference, Chairman Forsman announced that the Navy had come to the table and agreed to a 10-year moratorium on scraping ships in Puget

Sound and has agreed to aid the clean up of the inlet.

“The Navy has agreed to a 10-year moratorium of any further scraping of mothballed aircraft carriers in the waters of Puget Sound. That moratorium includes six inactive ships currently in Puget Sound and any ships that might be brought into our waters in the next 10 years. During the moratorium, any scraping of aircraft carriers must take place in dry docks where waste can be contained and safely disposed of. The Navy has agreed to place a thin layer of clean sand over eight acres on the bottom of Sinclair Inlet in order to contain the scraping debris already in there from the ex- Independence,” Forsman said.

According to Sherman the rehabilitation of the Sinclair Inlet will begin in 2021.



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